IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO. 135 OF 2006
IN
WRIT PETITION NO. 10668 OF 2004

Nutan Gujrati Vidyalay
Samiti & Ors. ..Petitioners
(Ori.Resp. No.1 & 2)

versus

Subhash V. Kulkarni & Ors. ..Respondents

Mr. Ramnik Khimji Makhecha, President of the Petitioner No.1 present in person.

Mr. P. K. Pradhan for the Respondent No.1.

CORAM : D. G. DESHPANDE, &
Dr. D.Y. CHANDRACHUD,JJ.

DATE : 17TH NOVEMBER, 2006

P.C. (In Chamber) :

1. Mr. Ramnik Khimji Makhecha, President of the Petitioners present in person, Respondent No.1 is present in person so also his Counsel.

2. This Review Petition is filed in respect of the Order dated 25.4.2006 passed in Writ Petition No. 10668 of 2004.

3. We have heard both the Petitioner and the

Respondent No.1 at length. Paragraph 4 of the original order of this Court dated 25.4.2006, is as under :

> **"4. Since the order passed by the competent authority has not been complied with by respondent Nos. 1 and 2, while disposing of this petition, the following directions are issued:**
>
> **(i) Respondent No.4 Education Officer (Secondary), Zilla Parishad, Alibagh, Raigad, shall within a period of four weeks from today compute the dues payable to the petitioner after due notice to respondent Nos. 1 and 2.**
>
> **(ii) Respondent Nos. 1 and 2 within a period of two weeks from the date of the receipt of the communication from respondent No.4 shall pay the amount due and payable to the petitioner.**
>
> **(iii) As regards the pensionary benefits to the petitioner, respondent Nos. 1 and 2 shall prepare the pension papers and forward the same to the fourth respondent within two weeks from the date of the communication and the fourth respondent in turn shall process the same and forward the same to the concerned authority. The entire process shall be completed within a period of 12 weeks from today.**
>
> **(iv) In the event of non-compliance of this order by the respondents and particularly respondent Nos. 1 and 2, the third respondent shall take all steps including withholding of non-salary grant or derecognition of the school."**

4. After hearing both the sides, we find that

clause (i) of paragraph 4 of the original order requires to be modified because of the passage of time. It is therefore modified as under:

(i) (a) Respondent No.4, Education Officer (Secondary), Zilla Parishad, Alibagh, Raigad, within a period of eight weeks from the appearance of the parties, shall compute the dues payable to the petitioner after giving full opportunity to the petitioner and the respondent No. 1 of the original petition, to make their submissions, produce their documents relating to the issue involved and putforth their grievances.

(b) The Education Officer (Secondary) Zilla Parishad, Alibagh, Raigad, shall consider all the submissions made before him and give a reasoned order about the conclusion he will arrive at.

(c) Both the parties to appear before the Education Officer (Secondary) Zilla Parishad, Alibagh, Raigad, on 28.11.2006 at 11 a.m. with certified copy of this order.

5. The order of the Education Officer so given shall not be enforceable by either of the parties for a period of four weeks therefrom in order to enable both the parties to challenge the same before this court.

6. The question of enforcement of the original order as per clause (ii) shall arise only after the expiry of four weeks thereafter i.e. four weeks from the date of Order of Education Officer. If there is no challenge to it, the respondent shall be bound to follow direction Nos. (iii) and (iv) as per the original order.

7. We further clarify regarding clause 4 (iv) of the original order that words "this Order" shall refer to this modified order.

8. Review Petition disposed of accordingly. Certified copy expedited.

9. All concerned parties to act on the certified copy of this order.

(D.G. DESHPANDE, J.)

(Dr. D. Y. CHANDRACHUD, J.)